App. F. IX-4

193 S.
(Law)

File No. 167-35-
Serial Nos. 1-4

Previous References
Law 35-28-1-2
Law Dept - 31.9.34

Letter References.
Law 16-36(1-3)

PRESERVED

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 4.

Part B for April.

SUBJECT.

Permission to the Agent- Mys Railways
& consult the Pub Pr Mysore, whenever
legal advice is required for Settlement
petty claims in dealings with contractors.

Sl. 4. To the Agent- Mys. Rly
" Law Mys. Rly
" Comptr & C-in-C.
" Pub Pr Mysore.

WD 0607—GPB—22,500—2-8-35

No P. 7080-83 dy 25-4-36.

Permits the Agent- Mysore Railways
& consult the Pub Pr Mysore &
fixes the fees to be paid to the Pr

Law Clerk
11/5/1936

8661 (1

General and Revenue Secretariat | Law File No. 167 of 1935. | [App. F. III—2

Serial No.

From,

The Agent, Myg. Rys

no. 6872 dt 11.3.36 requesting general permission to Consult the Govt. Mysore re: ~~settlement~~ petty questions arising out of settlement of claims or dealings with Contractors, and pay him necessary fee.

1) Under rule 60 of the rules for the legal affairs of Govt. when disputes arise between departmental officers and persons with whom they or the Govt Company or enter into agreements, reference Shd be made thro the Secy to Govt. Legal Dept.

2) Rule 60 limits the references to the Govt only viz: to the pending Civil and Criminal Cases. There is no other provision under which the PGrs Can entertain the references for legal advice The permission asked for may perhaps be granted.

Subd for orders.

TSD 18/3.

3) There seems to be no objection to allow the Agent, Mysore Rys, to consult the PGr Mysore whenever legal advice is required for disposal of claims or dealings with Contractors etc ~~arising in the Department~~

NOTE.—Contn. Sheet.

WD 03594—GPB—30,000—13-7-35

which are of a petty nature, important Cases involving matters of principle etc however being referred to the Law Dept, in accordance with Legal affairs Rules. It is however difficult to fix any scale of fees payable to the Pr for such advice. The Rly dept is even now, at times consulting the Pr anyone on many matters and I do not know if they are paying any fee for such. A

(Gen Secy) mp 14/3.

4) A. Please verify this dept info re fees any paid. mp 17/3

dpr mp 17/3

5) Dft. pm up.

VSD 18/3 6) Issue mp 18.3.36.

Issued no. P. 6321 d 20.3.36

16 MAR 1936

Sec A mp

615

(3

General and Revenue Secretariat | Law File No. 167 of 1935. | [App. F. III—2

Serial No.

From.

The Agent, Mys. Rly

no. 7599 d 2.4.36 stating that the case is being Conducted as and when required and he was Conducted in July 1934 and a fee of Rs 5/- was paid to him, and again he was Conducted in July 1935 and sanction is solicited to the payment of Rs 5/- and that in future a grant facility pertaining to the offices of the Rly. Dept to Conduct the local cases whenever legal advice is reqd:-

Submitted for perusal with reference to para 4 Supra. On a similar request of the Agent in the year 1928 he was informed that it is not desirable to refer Cases for the opinion of the Govt, since it would involve unsanctioned Expenditure.

The present proposal is for orders

TSD 8/4

Rs 5/- for a case up to Rs 1000/- in value and Rs 10/- for a case up to Rs 5000/- in value would be reasonable fees for consultation. Cases involving more than Rs 5000/- may be referred to the Law Deptt for opinion in accordance with Legal affairs Rules.

(Secy) This may be appd

8/4

(Finl Member)

9/4

9/4

9/4

9/4

9 APR. 1936

NOTE—Contn. Sheet.

WD 70—GBPM—60,000—13-8-31.

615

(4

Law File No. 167 of 1935

General and Revenue Secretariat

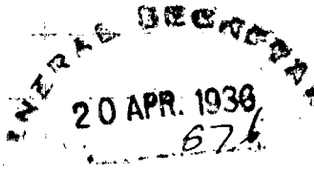
Subd me a dft. G.o.
Typed draft
MM
14/4

TSD 14/4.

Fair dft put up

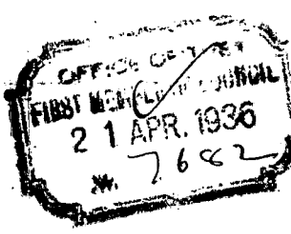
TSD 16/4

Subd for favour of approval.
This is a material modification of the Legal affairs Rules, and involves ~~perhaps~~ some extra cost to Govt.

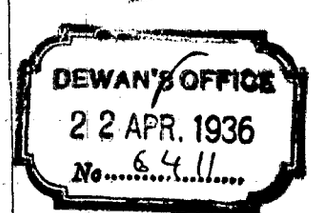


Yours sincerely)
Dwd 21/4
MM 18/4/36
MM 21/4

First Member)



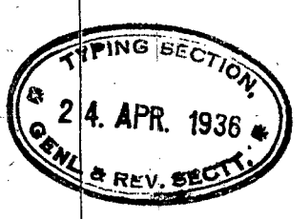
Dewan)



MM 21/4

MM
22-4-36
Dwd 23/4

Issue
MM 23/4



To,

The Agent, M/s Rs
Secy Govt "
Comptroller
Govt Mysore

G.O. no. S. 7000-83 dt 22-4-36
according permission to Controller of Pr. M/s
petty Cases

B 30/4/36

F.M.A. 317—500—25-1-36

5661/1936

MYSORE RAILWAYS

All communications should be addressed to the Agent, Mysore Railways, Mysore by TITLE, not by NAME

AGENT'S OFFICE.

Mysore, 10th March 193 6.

No. 6972/Fl.

Encls.

Loan 167-35-1

From

H. D. SINCLAIR, Esq.,

Agent, Mysore Railways,

MYSORE.

To

The Secretary to the Government of Mysore,

General Department,

Bangalore.

GENERAL SECRETARIAT
12 MAR 1936

Sir,

I have the honour to state that in matters relating to the legal affairs of Government under rule 5 of the Rules for the conduct of the legal affairs of Government, the Secretary to Government, Legislative Department has to be consulted. But there often arises petty questions either in regard to settlement of claims or dealings with the contractors and it is found more convenient to consult the local Public Prosecutor for immediate advice in the matter. I would therefore suggest that general permission may kindly be given to this Department to consult the Public Prosecutor in all these matters as and when necessity arises and pay him such fees as may be prescribed by Government according to any ~~xx~~ definite scale.

I request approval to the above proposal.

I have the honour to be,
Sir,
Your most obedient servant,

A.S.

Agent.

(2

No. P 6321
Law 167-35-2

19th March 1936.
20

The

The Agent,

Mysore Railways, Mysore.

With reference to your letter No. 6872 dated 11th March 1936 soliciting permission of Government to consult the Public Prosecutor, Mysore in disputes of a petty nature, I am directed to enquire whether the Public Prosecutor, Mysore is not being consulted now on such matters and if so whether any fee is paid for such work.

I have the honour to be,
Sir,
Your most obedient servant,

For General Secretary to Government.

TSD

bnl. 2

(3

Appendix F G—1]

SUBJECT.....

.....

.....

Section Law

File No. 167-35

Serial No. 2

Diary No. of letter replied to.....

No. P632,

To

The Agent, Mys. Rly

General and Revenue Secretariat

( )

the *193*

Sir,

With reference to your letter no. 6872 d. 11.3.36 soliciting permission of Govt to Consult the Govt. Mysore in dispute of a petty nature I am directed to enquire whether the Mysore is not having ~~has been~~ Consulted ~~till~~ now on such matters and if so ~~how his~~ ~~fee has been paid for~~ ~~so far~~ ordered whether any fee is paid for such work.

I have &c

Date of issue..... 12.3.36.....

Signed by ..... M. R. Ry.....

List of enclosures.....

Copied by .....

Examined by.....

pdl 18/3 for Secy Rly Bd 18/3

GRMC A 188-1000-3-1-36

All communications should be addressed to the Agent, Mysore Railways, Mysore by TITLE, not by NAME

MYSORE RAILWAYS

Leaflet 167-35-3

AGENT'S OFFICE.

Mysore, 2nd April 193 6.

No. 7588 /Fl. 139.

Encls. Nil

From

THE AGENT,

Mysore Railways,

MYSORE.

GENERAL SECRETARIAT
4 APR. 1936

To

The General Secretary

to the Government of Mysore,

Bangalore.

Sir,

With reference to your letter No.P.6321/Law.167-35-2 dated the 19th/20th March 1936, enquiring whether the Public Prosecutor, Mysore Division, is not being consulted now in the matter of settlement of claims or dealings with the contractors, and if so whether any fee is paid for such work, I have the honour to state that the Public Prosecutor is being consulted as and when required. He was consulted once in July 1934 for replying a notice received from an Advocate and a fee of Rs.5/- was paid to him as per your letter No.P.1593/Law dated 27/28th September 1934.

Again in July 1935 the Public Prosecutor was consulted for preparing draft service agreement to be executed by certain temporary employees in the Engineering department for which a fee of Rs.5/- was paid. As the Auditor took objection to this payment on the ground that, under Rule 25 of the Rules for the Conduct of Legal Affairs of Government the Government Advocate should be consulted for draft agreements and deeds and not the Public Prosecutor, I have had to apply for sanction of Government to the payment of Rs.5/- to the Public Prosecutor for consultation made, vide copy of my letter No.526 dated 27th March 1936 enclosed.

p.t.o.

It will be a great facility particularly for the Officers of the Railway Department to consult the local Public Prosecutor whenever legal advice is required and I therefore request that sanction of Government may kindly be obtained for my Heads of Departments and myself generally consulting the Public Prosecutor as and when required, on payment of stipulated fees.

I have the honour to be,

Sir,

Your most obedient servant,

(6

WRM- A 189-2000-2-1-36

All communications should be addressed to the Agent, Mysore Railways, Mysore by TITLE, not by NAME

MYSORE RAILWAYS

AGENT'S OFFICE.

Mysore, 26th/27th.March 1936.

No. 526. /Fl. 139.

Encls.

To

The Secretary to the Government of His Highness the Maharaja of Mysore, Railway Department, Bangalore.

Sir,

Surveying and estimating for easing of curves on Bangalore-Mysore Secn.

I have the honour to report for the information of Government that the Engineering Department while entertaining certain temporary hands for survey work on the line, desired to have an agreement taken from them, for the drafting of which the Public Prosecutor at Mysore was consulted and for the advice given a fee of Rs.5/- was sanctioned by me. The Bill in this connection was passed and paid in October last and now the Auditor, Mysore Railways, states that it is held under objection for want of Government sanction, as he is of opinion that the Government Advocate should have been consulted in the matter and not the Public Prosecutor, Mysore, according to Rule 25 of the Rules for the Conduct of Legal Affairs of Government in the matter.

I am not sure if the rule applies to consultations of this nature but as the expenditure has however been incurred and passed, I request you to obtain and communicate the formal sanction of Government to the expenditure already incurred.

I have the honour to be,
sir,
Your most obedient servant.

(sd). H.D.SINCLAIR,
A g e n t.

(Copy)

MSAB/28.-III.-1936.

28.3.36

Proceedings of the Govt.of His Highness the Maharaja of Mysore.

R e a d :-

Correspondence ending with the letter No.7599/Fl.139 dated 2nd April 1936 from the Agent, Mysore Railways, ~~pointing out the~~ stating that inconvenience and delay ~~that would be~~ are caused by referring all petty matters in which legal opinion may be required to the Law Department or to the Government Advocate in accordance with the legal affairs rules and ~~therefore~~ soliciting general sanction to the Railway Department ~~to~~ consult the Public Prosecutor, Mysore in matters in which legal advice may be required for settlement of petty claims or dealings with contractors and to pay him such fees as may be prescribed ~~by Government according to any definite scale.~~

Order No. P 7080-83. Law 167-35-4

Dated, Bangalore, the 25.4.36.

Government are pleased to permit the Agent, Mysore Railways to consult the Public Prosecutor, Mysore, whenever ~~legal~~ legal advice is required for disposal of claims or dealings with contractors etc., which are of a petty nature. Cases which involve more than Rs.500 in value or which ~~rise~~ raise important ~~matters~~ questions of principle ~~have~~ may however ~~to~~ be referred to the Law Department in accordance with the Rules for the conduct of legal affairs of Government.

The Public Prosecutor may be paid the following fees in cases referred to him for opinion or advice :-

P.T.O.

Rs. 5 for a case up to Rs.100/-
in value and Rs.10/- for a case
exceeding Rs.100.

18/4 21/4

General Secretary to Govt.

TSD

To

The Agent, Mysore Railways.
The Secretary to Government,
Mysore Railways.
The Comptroller to Government.
The Public Prosecutor, Mysore.

MK.